



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/170,221

10/13/1998

WILLIAM LO

50100-463

6559

20277

7590

03/18/2003

MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER

BURD, KEVIN MICHAEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 03/18/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

3e

# Office Action Summary

Application No.  
09/170,221

Applicant(s)  
LO

Examiner  
Kevin Burd

Art Unit  
2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 6, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-11 and 16-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-11 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Oct 13, 1998 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 2631

### **DETAILED ACTION**

1. This office action, in response to the appeal brief filed 1/6/2003, is a non-final office action.

#### ***Response to Arguments***

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Applicant's arguments with respect to claims 7-11 and 16-20 have been considered but are moot in view of the new ground(s) of rejection.
4. The previous objections to figure 4 is maintained.

#### ***Drawings***

5. The drawings are objected to because the labels of the elements in figure 4 are illegible. Correction is required.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 2631

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Lo et al (US 5,850,515).

Regarding claims 7, Lo discloses a repeater, having a plurality of ports, receiving a data packet. The data packet includes a source address (column 10, lines 1-2). The source address is compared to at least one of the plurality of end station addresses (column 10, lines 3-6). The port with the proper address information will transmit the data from the repeater to the end station. This port will be enabled by an enable signal (column 7, lines 37-48). Repeater ports with the incorrect end station address will be disabled by the enable signal (column 7, lines 37-48 and column 10, lines 7-11). In addition to disabling of the repeater port, the disabling step further includes the step of corrupting the re-transmission of the data packet from any other ports when the source address does not match the end station address (column 10, lines 22-26). Therefore, the transmission of corrupted or error signals is enabled.

Regarding claim 8, each repeater port receives the enable/disable signal (column 7, lines 37-48) and all enabled ports corrupt the re-transmission of the data packet (column 10, lines 22-26). The corrupted data can be sent in place of the normal received packet (column 8, line 55 to column 9, line 20).

Art Unit: 2631

Regarding claim 9, prior to transmitting, it is determined if the port is enabled or disabled and if the packet to be transmitted is corrupted as stated above.

Regarding claim 10, prior to transmitting, it is determined if the port is enabled or disabled and if the packet to be transmitted is corrupted as stated above. While this determination is taking place, the port is idle, in that the port is not transmitting.

Regarding claim 11, the data to be transmitted will be either a corrupted data packet pattern or an uncorrupted data packet pattern.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo et al (US 5,850,515) in view of Lo et al (US 5,940,392).

Regarding claim 16, Lo discloses a repeater, having a plurality of ports, and receiving a data packet. The data packet includes a source address (column 10, lines 1-2). The source address is compared to at least one of the plurality of end station addresses (column 10, lines 3-6). The port with the proper address information will transmit the data from the repeater to the end station. This port will be enabled by an

Art Unit: 2631

enable signal (column 7, lines 37-48). Repeater ports with the incorrect end station address will be disabled by the enable signal (column 7, lines 37-48 and column 10, lines 7-11). In addition to disabling of the repeater port, the disabling step further includes the step of corrupting the re-transmission of the data packet from any other ports when the source address does not match the end station address (column 10, lines 22-26). Therefore, the transmission of corrupted or error signals is enabled. Lo does not disclose a table for identifying each network node by its corresponding destination address and the corresponding repeater port. Lo et al (US 5,940,392) discloses individual destination addresses associated with each repeater port are stored in a content addressable memory (abstract). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the memory storing the addresses associated with repeater ports as stated in US 5,940,392 with the system of 5,850,515 to allow the easy access to the address information for the comparison of the source address and the end station address to take place in less time.

Regarding claims 17 and 18, each repeater port receives the enable/disable signal (column 7, lines 37-48) and all enabled ports corrupt the re-transmission of the data packet (column 10, lines 22-26). The corrupted data can be sent in place of the normal received packet (column 8, line 55 to column 9, line 20).

Regarding claim 19, prior to transmitting, it is determined if the port is enabled or disabled and if the packet to be transmitted is corrupted as stated above.

Art Unit: 2631

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP 0 772 321 discloses a repeater with virtual LAN support that selectively corrupts the data frame retransmitted to any remote devices not having the proper identifier (column 2, lines 34-47).

***Contact Information***

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE" or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM. The examiner can also be reached on alternate Friday.

Application/Control Number: 09/170,221

Page 7

Art Unit: 2631

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



A handwritten signature in cursive script, reading "Kevin M. Burd". The signature is written in black ink and is positioned above a horizontal line.

Kevin M. Burd  
PATENT EXAMINER  
March 11, 2003